

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALAN WOODRUFF, TERRY MULCAHY,
CRAIG HARRIS, DONALD HILLIS,
MICHAL MUDD and GREEN PARTY OF
NEWMEXICO,

Plaintiffs,

vs.

No. CIV 10-0686 JB/RLP

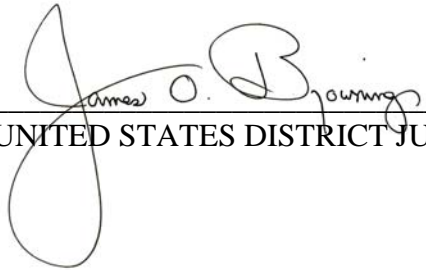
MARY HERRERA, Individually in her
capacity as New Mexico Secretary of State,
DON FRANCISCO TRUJILLO, Individually
and in his official capacity as Director of the
Elections in the office of the Secretary of State,
and GARY KING, in his official capacity as
Attorney General for the State of New Mexico,

Defendants.

ORDER

THIS MATTER comes before the Court on the Defendants' Motion to Consolidate, filed July 21, 2010 (Doc. 3). The primary issues are: (I) whether the Court should consolidate this matter with other related matters, specifically Woodruff v. Herrera, No. CIV 09-0449 JCH/KBM, Reform Party of New Mexico v. Herrera, No. CIV 10-0124 JCH/KBM, and Woodruff v. Herrera, No. CIV 10-0123 JCH/KBM; and (ii) whether the Court should require the Plaintiffs to pay the costs and attorney's fees that the Defendants have borne in removing and consolidating this action and the actions before the Honorable Judith C. Herrera, United States District Judge. The Court has conferred with Judge Herrera as to the requested consolidation. Judge Herrera has stated that she is amenable to this matter being consolidated with the pending, related cases assigned to her. The four cases contain enough similar and common questions of fact and law to justify one judge handling the four matters if Judge Herrera wants to handle all four cases, which she does.

IT IS ORDERED that the Motion to Consolidate is granted in part and denied in part. This matter shall be transferred to the Honorable Judith C. Herrera, United States District Judge. Judge Herrera can then decide the Motion to Consolidate before her and whether to consolidate this matter with Woodruff v. Herrera, No. CIV 09-0449 JCH/KBM, Reform Party of New Mexico v. Herrera, No. CIV 10-0124 JCH/KBM, and Woodruff v. Herrera, No. CIV 10-0123 JCH/KBM, or keep them separate. She can also decide whether to grant the Defendants' request for costs and fees.


UNITED STATES DISTRICT JUDGE

Counsel:

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